



Franklin County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only

Received:

Date Stamp

Reviewed by: _____

Date Reviewed: _____

Applicant: Pasco Industrial Properties, LLC

Application Number: FRAN-11-02 (G3-21801)

This record of decision was made by a majority of the board at an open public meeting of the Franklin County Water Conservancy Board held on March 1, 2012. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The Franklin County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on March 1, 2012 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on _____ and submits this record of decision to the Department of Ecology for final review.

Signed:

Larry Rogers, Chair
Franklin County Water Conservancy Board

Date: 3-2-12

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Lynn Hall, Vice-Chair
Franklin County Water Conservancy Board

Date: 3/01/2012

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Lee Morris, Treasurer
Franklin County Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☒
Other ☐

_____, Alternate
Franklin County Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on 3/7/2012.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer



(Board Name)
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

RECEIVED

MAR 09 2012

Report of Examination

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the F11 key to move through the form.

☐

Surface Water

☒

Ground Water

DATE APPLICATION RECEIVED
August 11, 2011

WATER RIGHT DOCUMENT NUMBER (i.e.,
claim, permit, certificate, etc.)
#G3-21801

WATER RIGHT PRIORITY DATE
September 1, 1973

BOARD-ASSIGNED CHANGE APPLICATION
NUMBER **FRAN-11-02**

NAME
Pasco Industrial Properties, LLC Attn: Mark Peterson

ADDRESS (STREET)
1230 Bridle Drive

(CITY)
Richland

(STATE)
Washington

(ZIP CODE)
99352

Changes Proposed: ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal
☒ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	450	295	Irrigation of 70 acres from March 1 to November 30, each year.				
SOURCE Well No. 8A			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 113-710-084	¼ S ½	¼ NE	SECTION 27	TOWNSHIP N. 9N	RANGE 30E	WRIA 36	COUNTY. Franklin
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
FIELD NO.1 (50 ACRES) 113-710-084 THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W. M., IN FRANKLIN COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27, WHICH IS THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 33' 25" WEST ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 172.45 FEET; THENCE SOUTH 43° 56' 54" WEST A DISTANCE OF 2,973.39 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGEL OF 24° 24' 38" AND A CHORD BEARING OF SOUTH 33° 50' 47" EAST, A DISTANCE OF 532.56 FEET; THENCE NORTH 89° 33' 25" WEST A DISTANCE OF 124.30 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00° 05' 46" ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST QUARTER TO THE TRUE POINT OF BEGINNING; EXCEPT THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER, AND EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89° 36' 16" WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 2,057.75 FEET TO THE TRUE POINT OF BEGINNING AND THE WESTERLY LINE OF AN EASEMENT FOR A BPA TRANSMISSION LINE; THENCE CONTINUING NORTH 89° 36' 16" WEST A DISTANCE OF 560.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 00° 05' 46" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 651.22 FEET TO A POINT ON CURVE AND THE EASTERLY RIGHT-OF-WAY OF KAHLOTUS ROAD; THENCE ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20° 31' 51", A RADIUS OF 766.25 FEET, AN ARC LENGTH OF 274.57 FEET AND A CHORD BEARING OF NORTH 11° 02' 17" EAST; THENCE SOUTH 89° 33' 25" EAST A DISTANCE OF 18.68 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25° 18' 04", A RADIUS OF 1300.00 FEET, AN ARC LENGTH OF 574.07 FEET AND A CHORD BEARING OF SOUTH 33° 24' 04" EAST; THENCE SOUTH 89° 36' 16" EAST A DISTANCE OF 181.86 FEET TO THE WESTERLY LINE OF AN EASEMENT FOR A BPA TRANSMISSION LINE; THENCE SOUTH 00° 50' 44" WEST ALONG SAID EASEMENT A DISTANCE OF 446.42 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER AND THE TRUE POINT OF BEGINNING, RECORDS OF FRANKLIN COUNTY, WASHINGTON. AND EXCEPT THOSE PORTIONS CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES. FIELD NO. 2 (20 ACRES) 113-710-075 A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 89° 33' 25" WEST ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 172.5 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 33' 25" WEST A DISTANCE OF 1,719.45 FEET; THENCE SOUTH 00° 05' 46" WEST A DISTANCE OF 72.06 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25° 26' 41" A RADIUS OF 1293.00 FEET AND A CHORD BEARING OF SOUTH 53° 25' 08" WEST ON AN ARC DISTANCE OF 574.22 FEET; THENCE NORTH 89° 33' 25" WEST A DISTANCE 303.24 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 00° 05' 46" WEST ALONG SAID WEST LINE, A DISTANCE OF 1,305.00 FEET; THENCE SOUTH 89° 33' 25" EAST A DISTANCE OF 12.38 FEET TO A POINT OF A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGLE OF 24° 24' 38", AND A CHORD BEARING OF SOUTH 33° 50' 47" EAST A DISTANCE OF 532.56 FEET; THENCE NORTH 43° 56' 54" EAST PARALLEL WITH AN EXISTING TRANSMISSION LINE, A DISTANCE OF 2,973.39 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT KAHLOTUS ROAD, AND EXCEPT THOSE PROTIONS BEING CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES.							

PARCEL NO.	¼	¼	SECTION	SHIP N.	RANGE,
113-710-084	Portions of	NE	27	9N	30E
113-710-075	Portions of	NE	27	9N	30E

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	450	295	Irrigation of 70 acres from March 1 to November 30, each year.				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Well 8A							
Well 8 – Additional point of withdrawal							
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
PARCEL NO.							
113-710-084	S ½	NE	27	9N	30E	36	Franklin
113-710-075	NW	NE	27	9N	30E	36	Franklin

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W. M., IN FRANKLIN COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27, WHICH IS THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 33' 25" WEST ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 172.45 FEET; THENCE SOUTH 43° 56' 54" WEST A DISTANCE OF 2,973.39 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGEL OF 24° 24' 38" AND A CHORD BEARING OF SOUTH 33° 50' 47" EAST, A DISTANCE OF 532.56 FEET; THENCE NORTH 89° 33' 25" WEST A DISTANCE OF 124.30 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00° 05' 46" ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST QUARTER TO THE TRUE POINT OF BEGINNING;							
EXCEPT THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER,							
AND EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89° 36' 16" WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 2,057.75 FEET TO THE TRUE POINT OF BEGINNING AND THE WESTERLY LINE OF AN EASEMENT FOR A BPA TRANSMISSION LINE; THENCE CONTINUING NORTH 89° 36' 16" WEST A DISTANCE OF 560.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 00° 05' 46" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 651.22 FEET TO A POINT ON CURVE AND THE EASTERLY RIGHT-OF-WAY OF KAHLOTUS ROAD; THENCE ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20° 31' 51", A RADIUS OF 766.25 FEET, AN ARC LENGTH OF 274.57 FEET AND A CHORD BEARING OF NORTH 11° 02' 17" EAST; THENCE SOUTH 89° 33' 25" EAST A DISTANCE OF 18.68 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25° 18' 04", A RADIUS OF 1300.00 FEET, AN ARC LENGTH OF 574.07 FEET AND A CHORD BEARING OF SOUTH 33° 24' 04" EAST; THENCE SOUTH 89° 36' 16" EAST A DISTANCE OF 181.86 FEET TO THE WESTERLY LINE OF AN EASEMENT FOR A BPA TRANSMISSION LINE; THENCE SOUTH 00° 50' 44" WEST ALONG SAID EASEMENT A DISTANCE OF 446.42 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER AND THE TRUE POINT OF BEGINNING, RECORDS OF FRANKLIN COUNTY, WASHINGTON; and							
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 89° 33' 25" WEST ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 172.5 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 33' 25" WEST A DISTANCE OF 1,719.45 FEET; THENCE SOUTH 00° 05' 46" WEST A DISTANCE OF 72.06 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25° 26' 41" A RADIUS OF 1293.00 FEET AND A CHORD BEARING OF SOUTH 53° 25' 08" WEST ON AN ARC DISTANCE OF 574.22 FEET; THENCE NORTH 89° 33' 25" WEST A DISTANCE 303.24 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 00° 05' 46" WEST ALONG SAID WEST LINE, A DISTANCE OF 1,305.00 FEET; THENCE SOUTH 89° 33' 25" EAST A DISTANCE OF 12.38 FEET TO A POINT OF A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGLE OF 24° 24' 38", AND A CHORD BEARING OF SOUTH 33° 50' 47" EAST A DISTANCE OF 532.56 FEET; THENCE NORTH 43° 56' 54" EAST PARALLEL WITH AN EXISTING TRANSMISSION LINE, A DISTANCE OF 2,973.39 FEET TO THE TRUE POINT OF BEGINNING.							
EXCEPT KAHLOTUS ROAD, AND EXCEPT THOSE PROTIONS BEING CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
113-710-084	Portions	NE	27	9N	30E		
113-710-075	Portions	NE	27	9N	30E		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	450	295	Irrigation of 70 acres from March 1 to November 30, each year.				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Well #8A							
Well #8							
AT A POINT LOCATED:							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
113-710-084	S ½	NE	27	9N	30E	36	Franklin
113-710-075	NW	NE	27	9N	30E	36	Franklin
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W. M., IN FRANKLIN COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27, WHICH IS THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 33' 25" WEST ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 172.45 FEET; THENCE SOUTH 43° 56' 54" WEST A DISTANCE OF 2,973.39 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGEL OF 24° 24' 38" AND A CHORD BEARING OF SOUTH 33° 50' 47" EAST, A DISTANCE OF 532.56 FEET; THENCE NORTH 89° 33' 25" WEST A DISTANCE OF 124.30 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00° 05' 46" ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST QUARTER TO THE TRUE POINT OF BEGINNING;							
EXCEPT THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER,							
AND EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89° 36' 16" WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 2,057.75 FEET TO THE TRUE POINT OF BEGINNING AND THE WESTERLY LINE OF AN EASEMENT FOR A BPA TRANSMISSION LINE; THENCE CONTINUING NORTH 89° 36' 16" WEST A DISTANCE OF 560.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 00° 05' 46" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 651.22 FEET TO A POINT ON CURVE AND THE EASTERLY RIGHT-OF-WAY OF KAHLOTUS ROAD; THENCE ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20° 31' 51", A RADIUS OF 766.25 FEET, AN ARC LENGTH OF 274.57 FEET AND A CHORD BEARING OF NORTH 11° 02' 17" EAST; THENCE SOUTH 89° 33' 25" EAST A DISTANCE OF 18.68 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25° 18' 04", A RADIUS OF 1300.00 FEET, AN ARC LENGTH OF 574.07 FEET AND A CHORD BEARING OF SOUTH 33° 24' 04" EAST; THENCE SOUTH 89° 36' 16" EAST A DISTANCE OF 181.86 FEET TO THE WESTERLY LINE OF AN EASEMENT FOR A BPA TRANSMISSION LINE; THENCE SOUTH 00° 50' 44" WEST ALONG SAID EASEMENT A DISTANCE OF 446.42 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER AND THE TRUE POINT OF BEGINNING, RECORDS OF FRANKLIN COUNTY, WASHINGTON; AND							
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 89° 33' 25" WEST ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 172.5 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 33' 25" WEST A DISTANCE OF 1,719.45 FEET; THENCE SOUTH 00° 05' 46" WEST A DISTANCE OF 72.06 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25° 26' 41" A RADIUS OF 1293.00 FEET AND A CHORD BEARING OF SOUTH 53° 25' 08" WEST ON AN ARC DISTANCE OF 574.22 FEET; THENCE NORTH 89° 33' 25" WEST A DISTANCE 303.24 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 00° 05' 46" WEST ALONG SAID WEST LINE, A DISTANCE OF 1,305.00 FEET; THENCE SOUTH 89° 33' 25" EAST A DISTANCE OF 12.38 FEET TO A POINT OF A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGLE OF 24° 24' 38", AND A CHORD BEARING OF SOUTH 33° 50' 47" EAST A DISTANCE OF 532.56 FEET; THENCE NORTH 43° 56' 54" EAST PARALLEL WITH AN EXISTING TRANSMISSION LINE, A DISTANCE OF 2,973.39 FEET TO THE TRUE POINT OF BEGINNING.							
EXCEPT KAHLOTUS ROAD, AND EXCEPT THOSE PROTIONS BEING CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
113-710-084	Portions of	NE	27	9N	30E		
113-710-075	Portions of	NE	27	9N	30E		

DESCRIPTION OF PROPOSED WORKS

In March of 2009 a Superseding Permit was issued (#G3-21801) which identified the Place of Use for this permit as two separate parcels located in Section 27, T.9N., R.30 E.W.M., Franklin County Washington. Field 1 (50 acres) owned by Carrson AG, LLC and Field 2 (20 acres) owned by Pasco Industrial Properties, LLC.

The intent of this Change/Transfer is to:

- 1) Add a point of withdrawal within the Pasco Industrial Properties, LLC parcel (Field 2) and
- 2) Identify the place of use as the entire 114 acres within Field 1 and Field 2 and
- 3) Identify Pasco Industrial Properties, LLC as the sole owner of the entire water right permit G3-21801. This will allow Pasco Industrial Properties, LLC sole control of the water right and allow them to use it on any portion of the 114 acres.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
No Construction Required	N/A	December 1, 2013

REPORT

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.

BACKGROUND [See WAC 173-153-130(6)(a)]

On **August 11, 2011**, **Pasco Industrial Properties** of **Pasco,WA** filed an application for change under **Water Right Superseding Permit #G3-21801**. The application was accepted at an open public meeting on **August 11, 2011**, and the board assigned application number **#FRAN-11-02**.

Attributes of the water right as currently documented

Name on certificate, claim, permit: **Ronald & Kathleen Johnson & Alexander Buxbaum**
Water right document number: **#G3-21801**
As modified by certificate of change number: **Superseding #G3-21801**
Priority date, first use: **September 21, 1973**
Water quantities: Qi: **450 GPM** Qa: **295 acre ft./ year**
Source: **Well**
Point of diversion/withdrawal: **S ½ of the NE ¼ Section 27, Township 9N., Range 30 E.W.M.**
Purpose of use: **Irrigation of 70 acres**
Period of use: **March 1 to November 30, each year.**
Place of use: **Portions of NE ¼ Section 27, T. 9N. Range 30, E.W.M.**
Existing provisions: **See attached superseding permit.**

Tentative determination of the water right

The tentative determination is provided on the front page of this report. It is the Board’s determination that a valid water right exists and is available for change/transfer.

History of water use

Ground water Permit G3-21801P was originally issued August 9, 1974. The permit was cancelled April 21, 1978 for failure to comply with the terms and conditions of the permit. In 2003 the adjacent land owners requested reinstatement of the permit and claimed the permit was appurtenant to their property. Discussions continued through 2006 when the adjacent landowners submitted additional information. The permit was reinstated September 12, 2006.

In January 2007, Pasco Industrial Properties purchased the land under the entire 114 acres.

Dorothy Hsieh, the permit holder, assigned the permit to the adjacent landowners (Ronald and Kathleen Johnson/Alexander Buxbaum) on April 20, 2007. In November, 2007 Johnson/Buxbaum of Pasco, Washington filed an application for Change/Transfer for water right #G3-21801P. The application was accepted at an open public meeting on 11/1/2007 and the board assigned application number FRAN-07-05.

In April 2008, Pasco Industrial Properties, LLC sold Field 1 to Carrson Ag. Subsequently the application was withdrawn by the applicant and re-submitted to the Franklin County Water Conservancy Board and was accepted on 6/5/2008 with the assigned application number FRAN-08-03. This application was approved and superseding permit #G3-21801 was issued from the Department of Ecology on March 25, 2009.

Currently, water is placed on Field 1 at 50 acres and Field 2 at 20 acres. Combining the water right into one applicant and one place of use clarifies the current confusion over where the water can be placed. This change was considered by the Board and found to not be water spreading since it does not expand the instantaneous or annual quantities of water use, nor does it increase the acreage allowed to be irrigated.

Following is the crop history for each field.

Field 1- 50 acres

Year	Crop	Net Irrigation Requirement ¹ (inches)	Sprinkler Efficiency	Gross Irrigation Requirement (inches)
2007	Hay	41.57	75%	55.4
2008	Hay	41.57	75%	55.4
2009	Hay	41.57	75%	55.4
2010	Hay	41.57	75%	55.4
2011	Hay	41.57	75%	55.4

1 – Net Irrigation Requirement from Washington Irrigation Guide, Richland

The calculated Qa for the past 5 years for the 50 acres of Field 1 is 55.4 (55.4 / 12 = 4.62 x 50 ac = 231.00 acre-feet).

Field 2 – 20 acres

Year	Crop	Net Irrigation Requirement ¹ (inches)	Sprinkler Efficiency	Gross Irrigation Requirement (inches)
2007	Onions	37.47	85%	44.1
2008	Wheat	29.42	85%	34.6
2009	Potatoes	32.51	85%	38.3
2010	Onions/Sweet Corn	13.42 Onions 24.00 Sweet Corn	85%	44.0
2011	Potatoes	32.51	85%	38.3

1 – Net Irrigation Requirement from Washington Irrigation Guide, Richland

The calculated Qa for the 20 acres of field 2 with an average gross irrigation requirement of 39.86 ($39.86 / 12 = 3.32 \times 20$ ac = 66.40 acre-feet).

The total calculated Qa for the entire 70 acres is ($231.00 + 66.40 = 297.40$ acre-feet). The subject water right is limited to 295 acre-feet per year. The board finds that historical beneficial use exceeds the amount allowed by the permit, thus the amount of water available for transfer is 295 acre-feet per year.

Previous changes

An application for Change/Transfer was applied for and approved by the Department of Ecology and superseding permit #G3-21801 was signed on March 25, 2009.

SEPA

The board has reviewed the proposed project in its entirety. Based on the quantity of ground water involved in the requested transfer the board has determined that this project is categorically exempt from SEPA procedures. All requirements of complying with SEPA have been met.

The information or conclusions in this section were authored and/or developed by Roger Wright, Stan Stinson, Mark Nielson.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was published in the Franklin County Graphic on September 22, 2011 and September 29, 2011. The protest period ended on October 29, 2011.

There were **no** protests received during the 30 day protest period. The Washington Dept. of Fish and Wildlife provided the following written comment. “WDFW has no objections to this application.” No other oral or written comments were received at an open public meeting of the board or other means as designated by the board.

The information or conclusions in this section were authored and/or developed by Roger Wright, Stan Stinson and Mark Nielson.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from aerial photographs, technical reports, research of department records, and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

This proposed Change/Transfer does not require construction or a construction schedule. The intent of this Change/Transfer is to add a point of withdrawal and to place the 70 acres of water right on the entire 114 acres of ownership. There is no increase in acreage allowed or instantaneous flows. This change simply clarifies ownership of the water right and clarifies place of use.

Other water rights appurtenant to the property (if applicable)

No other water rights were found to be appurtenant to the property.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Water right changes/transfers are anticipated and provided for in the state water code to accommodate modifications to existing water rights. There are no apparent detrimental effects to the public interest associated with the request for a change of place of use.

Tentative Determination

Other

The information or conclusions in this section were authored and/or developed by Roger Wright, Stan Stinson, Mark Nielson.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings:

- 1) A valid water right exists and the water right is eligible for transfer/change.
- 2) The proposed transfer/change will not enlarge the right.
- 3) There are no indications that a period of 5 consecutive years of non-use occurred after the reinstatement of this permit.
- 4) The proposed transfer/change involves the same body of public water.
- 5) It is the public interest to approve this transfer/change.

The extent of the water right available for transfer/change is tentatively determined to be for the irrigation of 70 acres from March 1- November 30 each year with a rate of 450 gallons per minute and a duty of 295 acre feet per year.

Relinquishment or abandonment concerns

The maximum allowable use identified in the current water right permit is 295 acre-feet per year. The amount put to beneficial use and available for transfer was calculated as 295 acre-feet per year.

Consideration of comments and protests

No comments or protest were received.

Impairment

No net change in ground water withdrawal will occur with the proposed change request. Water table information indicates that the water table surrounding the current and proposed points of withdrawal has remained stable with no known water table declines. The Conservancy Board did not find any information that would indicate that the proposed transfer would have an effect on other water rights, pending change applications, or in-stream flows. Therefore, it is the conclusion of the board that no impairment to existing or pending water rights will occur.

Public Interest

The proposed additional points of withdrawal will not be detrimental to the public interests.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.

DECISION [See WAC 173-153-130(6)(e)]

The Board conditionally approves this transfer/change in the quantities identified in the table below.

Board’s Decision on the Application

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
		450		295		Irrigation of 70 acres from March 1 to November 30	
SOURCE				TRIBUTARY OF (IF SURFACE WATER)			
Well #8A							
Well #8							
AT A POINT LOCATED:							
PARCEL NO.		¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA
113-710-084		S ½	NE	27	9N	30E	36
113-710-075		NW	NE	27	9N	30E	36
COUNTY.							
Franklin							
Franklin							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W. M., IN FRANKLIN COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27, WHICH IS THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 33' 25" WEST ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 172.45 FEET; THENCE SOUTH 43° 56' 54" WEST A DISTANCE OF 2,973.39 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGEL OF 24° 24' 38" AND A CHORD BEARING OF SOUTH 33° 50' 47" EAST, A DISTANCE OF 532.56 FEET; THENCE NORTH 89° 33' 25" WEST A DISTANCE OF 124.30 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00° 05' 46" ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST QUARTER TO THE TRUE POINT OF BEGINNING;							
EXCEPT THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER,							
AND EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89° 36' 16" WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 2,057.75 FEET TO THE TRUE POINT OF BEGINNING AND THE WESTERLY LINE OF AN EASEMENT FOR A BPA TRANSMISSION LINE; THENCE CONTINUING NORTH 89° 36' 16" WEST A DISTANCE OF 560.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 00° 05' 46" EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 651.22 FEET TO A POINT ON CURVE AND THE EASTERLY RIGHT-OF-WAY OF KAHLOTUS ROAD; THENCE ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20° 31' 51", A RADIUS OF 766.25 FEET, AN ARC LENGTH OF 274.57 FEET AND A CHORD BEARING OF NORTH 11° 02' 17" EAST; THENCE SOUTH 89° 33' 25" EAST A DISTANCE OF 18.68 FEET TO A POINT ON A CURVE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25° 18' 04", A RADIUS OF 1300.00 FEET, AN ARC LENGTH OF 574.07 FEET AND A CHORD BEARING OF SOUTH 33° 24' 04" EAST; THENCE SOUTH 89° 36' 16" EAST A DISTANCE OF 181.86 FEET TO THE WESTERLY LINE OF AN EASEMENT FOR A BPA TRANSMISSION LINE; THENCE SOUTH 00° 50' 44" WEST ALONG SAID EASEMENT A DISTANCE OF 446.42 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER AND THE TRUE POINT OF BEGINNING, RECORDS OF FRANKLIN COUNTY, WASHINGTON; AND							
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 30 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:							
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 89° 33' 25" WEST ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 172.5 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 33' 25" WEST A DISTANCE OF 1,719.45 FEET; THENCE SOUTH 00° 05' 46" WEST A DISTANCE OF 72.06 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25° 26' 41" A RADIUS OF 1293.00 FEET AND A CHORD BEARING OF SOUTH 53° 25' 08" WEST ON AN ARC DISTANCE OF 574.22 FEET; THENCE NORTH 89° 33' 25" WEST A DISTANCE 303.24 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE SOUTH 00° 05' 46" WEST ALONG SAID WEST LINE, A DISTANCE OF 1,305.00 FEET; THENCE SOUTH 89° 33' 25" EAST A DISTANCE OF 12.38 FEET TO A POINT OF A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,250.00 FEET, A CENTRAL ANGLE OF 24° 24' 38", AND A CHORD BEARING OF SOUTH 33° 50' 47" EAST A DISTANCE OF 532.56 FEET: THENCE NORTH 43° 56' 54" EAST PARALLEL WITH AN EXISTING TRANSMISSION LINE, A DISTANCE OF 2,973.39 FEET TO THE TRUE POINT OF BEGINNING.							
EXCEPT KAHLOTUS ROAD, AND EXCEPT THOSE PROTIONS BEING CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES.							
PARCEL NO.		¼	¼	SECTION	TOWNSHIP N.	RANGE,	
113-710-084		Portions of	NE	27	9N	30E	
113-710-075		Portions of	NE	27	9N	30E	

The information or conclusions in this section were authored and/or developed by Roger Wright, Stan Stinson, and Mark Nielson.

PROVISIONS [See WAC 173-153-130(6)(f)] See provisions on superseding permit.

Conditions and limitations

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule “Requirements for Measuring and Reporting Water Use”, Chapter 173-173 WAC. Water use data shall be recorded monthly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and

040-106(0208)

maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

If water from facilities of any legally formed irrigation district is used on any or all of the lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

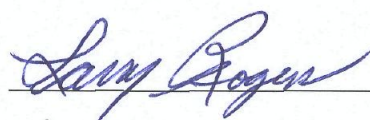
Construction Schedule

There is no construction required for this change/transfer. The intent is to put the water to full beneficial use by December 1, 2013.

The information or conclusions in this section were authored and/or developed by Roger Wright, Stan Stinson, Mark Nielson.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Pasco, Washington
This 1st day of March, 2012



LARRY ROGERS, Board Representative
Franklin County Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer